

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 880

Introduced by Senator Corbett

February 18, 2011

An act to amend Section ~~21162~~ 21092.2 of, and to repeal Section 21162 of, of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 880, as amended, Corbett. Environmental quality: environmental impact report: notice of completion.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

CEQA requires that notices regarding a lead agency determination to require an EIR or other actions taken pursuant to that act be mailed to every person who files a written request.

This bill would additionally require a notice of completion of an EIR by a public agency to be mailed upon request, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

(2) The California Environmental Quality Act requires the State Clearinghouse to provide to a legislator in whose district a project has an environmental impact the notice of completion of an EIR on the project if the legislator requests the notice and the State Clearinghouse has received the notice.

This bill would ~~make technical, nonsubstantive changes to that provision~~ instead require the state clearinghouse to provide a notice of a determination by a lead agency that an EIR is required for a project and a notice of completion of an EIR by a public agency if the legislator requests the notice and the State Clearinghouse has received the requested notice.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21092.2 of the Public Resources Code is
2 amended to read:
3 21092.2. (a) The notices required pursuant to Sections 21080.4,
4 21083.9, 21092, 21108, ~~and~~ 21152, *and 21161* shall be mailed to
5 every person who has filed a written request for notices with either
6 the clerk of the governing body or, if there is no governing body,
7 the director of the agency. If the agency offers to provide the
8 notices by e-mail, upon filing a written request for notices, a person
9 may request that the notices be provided to him or her by e-mail.
10 The request may also be filed with any other person designated
11 by the governing body or director to receive these requests. The
12 agency may require requests for notices to be annually renewed.
13 The public agency may charge a fee, except to other public
14 agencies, that is reasonably related to the costs of providing this
15 service. ~~This section may not~~
16 (b) Subdivision (a) shall not be construed in any manner that
17 results in the invalidation of an action because of the failure of a
18 person to receive a requested notice, ~~provided that~~ if there has been
19 substantial compliance with the requirements of this section.
20 (c) The notices required pursuant to Sections 21080.4 and 21161
21 shall be provided by the State Clearinghouse to any legislator in
22 whose district the project has an environmental impact, if the

1 *legislator requests the notice and the State Clearinghouse has*
2 *received it.*

3 *SEC. 2. Section 21162 of the Public Resources Code is*
4 *repealed.*

5 ~~21162. A copy of the notice of completion of an environmental~~
6 ~~impact report on a project shall be provided, by the State~~
7 ~~Clearinghouse, to any legislator in whose district the project has~~
8 ~~an environmental impact, if the legislator requests the notice and~~
9 ~~the State Clearinghouse has received it.~~

10 *SEC. 3. No reimbursement is required by this act pursuant to*
11 *Section 6 of Article XIII B of the California Constitution because*
12 *a local agency or school district has the authority to levy service*
13 *charges, fees, or assessments sufficient to pay for the program or*
14 *level of service mandated by this act, within the meaning of Section*
15 *17556 of the Government Code.*

16 ~~SECTION 1. Section 21162 of the Public Resources Code is~~
17 ~~amended to read:~~

18 ~~21162. A copy of the notice of completion of an environmental~~
19 ~~impact report on a project shall be provided by the State~~
20 ~~Clearinghouse to a legislator in whose district the project has an~~
21 ~~environmental impact if the legislator requests the notice and the~~
22 ~~State Clearinghouse has received it.~~